IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 1804 of 2001 &WRIT PETITION NO.1226 OF 2000

WP.1804/2001

Between:

1. Union of India, represented by Chairman, Railway Board,
Rail Bhavan, New Delhi –110 001

2. General Manager, S.C. Railway, Rail Nilayam, Secunderabad.

3. Divisional Railway Manager, S.C. Railway, Guntakal.

.... PETITIONERS

AND

1. Shaik Khajavali s/o Hatel Saheb, Porters Lane,
Guntakal, Anantapur District.

2. S. Silarvali S/o Peeran Saheb, 8th Ward, Guntakal, Anantapur District.

3. Hajivali S/o Chinna Peeran, D.No.6/1312, Guntakal, Anantapur District.

4. B. Maddilety S/o Santanna, D.No.6/599, B. Kottal, Guntakal.

5. R. Rahamanthulla s/o Kareem Saheb, Chippagiri (v) Kurnool District.

6. M. Ravi Kiran s/o Chandrasekhar, D.No.6/600, B. Kottala, Guntakal.

7. C. Nagaraju s/o Govindappa, Chippagiri village, Kurnool District.

8. Thikka Swamy S/o Obanna, Chippagiri village, Kurnool District.

9. M. Naga Raju S/o Govinda Swamy, B. Kottala, Guntakal, AnantapurDt.

10. M. Shashidhar Babu S/o Govinda Swamy, B. Kottala, Guntakal.

11. C.Vasantharayudu S/o C.Veeranna, Bhagyanagar, Guntakal.

12. M.Adiseshaiah S/oM.Govinda Swamy,D.No.6/654, B.Kottala,Guntakal.

13. M. Chakrapani S/o M.C.Sekhar,Dr.No.6/601, B.Kottala,Guntakal.

14. M.Veera Swamy S/o Masthanappa, B. Kottala, Guntakal,AnantapurDt.

15. P. Venkateswarlu S/o Masthanalpa, B.Kottala, Guntakal,Anantapur Dt.

16. M. Suri Babu S/oM. Govinda Swami, B.Kottala,Guntakal,AnantalpurDt.

17. T. Babaiah Naidu S/o T.Venkateswarlu, B.Kottala, Guntakal.

18. M. Vinod Babu S/o M.Chandra Sekhar,B.Kottala, Guntakal.

19. Saleem Durani S/o P. Habi Saheb, Chippagiri village, Kurnool District.

20. P.Ramanjaneyulu S/o Mahanandi, D.No.1-157-103,
Modinabad,Guntakal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ, order or directions to quash the order in O.A.No.1854 of 1999 dated 27-04-2000 of Central Administrative Tribunal of the Hyderabad Bench.

Counsel for the Petitioners: MR. R. S. MURTHY

Counsel for the Respondents: MR. V. V. L. N. SARMA

W P. 1226/ 2000

Between:

1. T.Ramanjaneyulu S/o.T.Abraham, Thuggali Village Kurnool District.
2. Gowrappa S/o.Rangappa, Chippagiri village, Kurnool District.
3. R.Hussainaiah S/o.R.Yellappa, BenchKottala Guntakal,
   Ananthapur District.
4. B. Bala Maddaiah S/o.B.Yerra Maddilety, 6/599A, BenchKottala,
Guntakal, Ananthapur District .
5. D. Udaya Sankar S/o. B. Mallanna, Shanthinagar Guntakal,
   Ananthapur District .
6. P.Gopal, S/o.Chinna Anjinaiah, Diddikottala Guntakal,
   Anantapur District.
7. S.Zeelan S/o.Mahaboob, D.No.353/A, Shanthinagar Guntakal,
   Ananthapur District.
8. Shaik Sadak Jaffar Vali S/o.T.Fakruddin, D.No.20/172-C,
Hanumeshnagar, Guntakal, Ananthapur District.
9. Boya Govindu S/o. B.Shankarappa, Diddikottala Guntakal,
   Ananthapur District.
10. C.Ramudu S/o.Hanumanthu, D.No.1-157-97, Diddikottala, Guntakal,
    Ananthapur District
11. M.Laleppa S/o.Laleppa, D.No.2/196, Kottakotttala, Modinabad,
Guntakal, Ananthapur District.
12. Mohammed Abdulla S/o.M.Abdul Gaffoor, Aravindanagar Guntakal,
    Ananthapur District.
13. B.China Maddilety S/o.B.Santonna, D. No.6/599B, Bench Kottala ,

Guntakal, Ananthapur District .
14. Md. Ishaque S/o.Gaffoor, Guntakal, Ananthapur District .
15. Md. Ibrahim S/o.Gaffoor, Guntakal, Ananthapur District.

.... PETITIONERS

AND

1. UOI represented by its Chairman Railway Board,
Rail Bhavan, New Delhi.
2. General Manager, S. C. Railway, Rail Nilayam, Secunderabad.
3. Divisional Railway Manager S.C. Railway, Guntakal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of certiorari declaring the order dated26-11-1999 in O.A.No.1212/99 on the file of CAT Hyderabad Bench, Hyderabad as bad, illegal, arbitrary and quash the said order and direct the respondents to engage the petitioners as a casual labourers and pass such other order.

Counsel for the Petitioner: MR. G. SANYASI RAO

Counsel for the Respondents: MR. R.S. MURTHY

The Court made the following:

COMMON ORDER: (per Hon'ble Sri Justice G. RAGHURAM)

W.P.No.1804 of 2001 has been filed by the South Central Railway against the order of the Central Administrative Tribunal of the Hyderabad Bench dated 27-04-2000 passed in O.A.No.1854 of 1999.

2. W.P.No.1226 of 2000 has been filed by the original applicants against the order of the Central Administrative Tribunal, Hyderabad Bench dated 26-11-1999, dismissing O.A.No.1212 of 1999.

3. O.A.No.1854 of 1999 was partly allowed while O.A.No.1212/1999 was wholly

dismissed. Applicants in both the O. As., were members of M/s.Mahanti Srinivasa Khadhi and Village Industries Association, Guntakal, an Association with which the South Central Railway had entered into a contract for handling and removal of ash during the years upto 1993, when Stem Locomotives were in operation in Guntakal Division of the South Central Railway. As Stem Locomotives were dispensed with, so was the contract with the Mahanti Association discontinued and as a consequence, the applicants who are the members of the Association came to be disengaged by the Association. Claiming that their names should be entered in the live register of casual labour in South Central Railway, Guntukal Division and that the Railway administration should be directed to re-engage them as and when casual labour are required by the Railways, and also for a direction that the Railway administration should regularize the services of the applicants in Group-D category of the railway services, they filed the two O.As.

4. In both the O.As., the Central Administrative Tribunal found no employee-employer nexus between the applicants and the Railway administration. It was categorically recorded that the contractual relationship was only between the Railways and the M/s.Mahanti Srinivasa Khadi and Village Industries Association. As a consequence, the Tribunal also found that the applicants were not entitled to any of the benefits they sought. On this conclusion, O.A.No.1212 of 1999 was dismissed declining grant of any relief by the judgment dated 27-04-2000. In O.A.No.1854 of 1999 however, the Tribunal after unequivocally recording that the applicants had no manner of legal right or entitlement for the reliefs they claimed, nevertheless issued a direction that the applicants names should be entered in the live register of casual labour for engaging them as and when casual labour are required for railway administration. The other reliefs claimed in O.A.No.1854 of 1999 were, however, rejected by the Tribunal.

5. On the established factual matrix no relationship is established between the applicants in the two O.As. and the railway administration. This conclusion of the Central Adminstrative Tribunal warrants no interference. As a consequence no direction as has been issued in O.A.No.1854 of 1999 could have been issued. The direction granted by the Central Administrative Tribunal in O.A.No.1854 of 1999

directing that the railway administration should enter the names of the applicants in the live register of the casual labour for re-engaging them as casual labour as and when required, is, therefore, set aside. The order of the tribunal in O.A.1212 of 1999 however, warrants no interference.

6. Accordingly, W.P.No.1804 of 2001 is allowed while W.P.No.1226 of 2000 is dismissed.

7. This judgment, however, do not preclude the railway administration in the Gunthakal Division to consider the case of the applicants for engagement, in case a policy is framed for engaging Ex-contract labour and the case of the applicants may be considered by the railway administration, if and when such a Scheme is framed and the cases of Ex-contract labour require to be considered for re-engagement under such a scheme. No costs.

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J. CHELAMESWAR, J

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GODA RAGHURAM, J

31-08-2004

Glv/PVSN

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on

Tuesday, day the Thirty First day of August Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Chairman, Railway Board, Union of India, Rail Bhavan, New Delhi.
2. General Manager, S. C. Railway, Rail Nilayam, Secunderabad.
3. Divisional Railway Manager S.C. Railway, Guntakal.

4. Two C D copies.

5. The Central Administrative Tribunal, Hyderabad Bench at Hyderabad.